

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Derrick Jones, Jerome Jones, and Darnell
Rusan,

PLAINTIFFS,

v.

City of St. Louis, et al.,

DEFENDANTS.

Cause No. 4:21-cv-600-NCC

Defendants City of St. Louis, Fowlkes, Turner, Lewis, Alexander, Carson, and Barnes'
Motion to Dismiss

Come now Defendants City of St. Louis, Lt. Javan Fowlkes, Lt. Aisha Turner, Officer Michelle Lewis, Officer Direll Alexander, Commissioner Jeffrey Carson and Superintendent Adrian Barnes, and move that this Court dismiss Counts I, II, III, IV and VI of plaintiffs' first amended complaint.

Plaintiffs fail to state a claim for relief on Counts I, II and III alleging excessive force by individual officers in violation of the Fourteenth Amendment, because they have alleged merely *de minimis* force and injuries. Plaintiffs' claims in Counts IV and VI against the City, Commissioner Carson and Superintendent Barnes must be dismissed because plaintiffs have failed to show the existence of a widespread custom or policy condoning use of excessive force, or deprivation of water and inhumane housing conditions. Additionally, Plaintiffs' claims against Jeffrey Carson and Adrian Barnes in their official capacities should be dismissed as duplicative of their claims against the City.

A memorandum in support of this motion to dismiss is filed separately.

Respectfully submitted,
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